

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF NEW YORK : SYRACUSE DIVISION

CNY FAIR HOUSING, INC, THE FAIR HOUSING
PARTNERSHIP OF GREATER PITTSBURGH,
INC., HOUSING RESEARCH & ADVOCACY
CENTER, INC. d/b/a FAIR HOUSING CENTER
FOR RIGHTS AND RESEARCH, INC.; HOUSING
OPPORTUNITIES MADE EQUAL OF BUFFALO,
INC.; HOUSING OPPORTUNITIES MADE
EQUAL OF CINCINNATI, INC.; PHYLLIS
BARTOSZEWSKI, JOYCE WILCOX AS THE
ADMINISTRATOR AND REPRESENTATIVE OF
THE ESTATE OF LOIS HARTER and DEANNA
TOWN,

Plaintiffs,

v.

WELLCLOVER HOLDINGS LLC; CLOVER
MANAGEMENT, INC.; CLOVER COMMUNITIES
CAMILLUS LLC; CLOVER COMMUNITIES
SALINA LLC; CLOVER COMMUNITIES NEW
HARTFORD, LLC; CLOVER COMMUNITIES
CLAY LLC; CLOVER COMMUNITIES JOHNSON
CITY, LLC; CLOVER COMMUNITIES
SOUTHWESTERN LLC; CLOVER
COMMUNITIES SWEETHOME, LLC; and
LACKAWANNA SENIOR HOUSING LP.

Defendants.

Civil Action No.

5:21-cv-00361-BKS-ML

NOTICE OF MOTION TO DISMISS PURSUANT TO 12(B)(1)

MOTION BY:

Defendants WellClover Holdings LLC, Clover
Management, Inc., Clover Communities Camillus
LLC, Clover Communities Salina LLC, Clover
Communities New Hartford LLC, Clover
Communities Clay LLC, Clover Communities
Johnson City, LLC, Clover Communities
Southwestern LLC, Clover Communities
Sweethome, LLC, and Lackawanna Senior Housing
LP.

RELIEF SOUGHT:

An Order:

- i) dismissing all claims asserted by CNY Fair Housing, Inc., The Fair Housing Partnership of Greater Pittsburg, Inc., Housing Research & Advocacy Center, Inc. d/b/a Fair Housing Center for Rights and Research, Inc., Housing Opportunities Made Equal of Buffalo, Inc., and Housing Opportunities Made Equal of Cincinnati, for lack of Article of III standing and subject matter jurisdiction; and
- ii) awarding such other and further relief as the Court deems just and proper.

GROUND:

Federal Rules of Civil Procedure Rule 12(b)(1)

WHEN RETURNABLE:

_____, 2025, at _____ a.m./p.m.

WHERE RETURNABLE:

Hon. Brenda K. Sannes

SUPPORTING PAPERS:

Declaration of Elizabeth A. Kraengel, Esq., dated February 20, 2025, with exhibits, and Memorandum of Law, dated February 20, 2025.

ORAL ARGUMENT:

Defendants request oral argument on the motion to dismiss. Defendants' counsel can identify the key legal arguments, including the new legal standard applicable to this case. If the request is granted, Elizabeth A. Kraengel will argue the motion to dismiss on behalf of the Defendants.

Dated: Buffalo, New York
February 20, 2025

DUKE HOLZMAN PHOTIADIS GRESENS LLP

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**Admitted Pro Hac Vice*

CERTIFICATE OF SERVICE

I hereby certify that on February 20, 2025, I electronically filed the Notice of Motion with supporting papers in this matter, with the Clerk of the District Court using its CM/ECF system and thereby provided service on the following CM/ECF participants:

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Dated: February 20, 2025

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